

FORM PTO-1390  
(REV. 12-29-99)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

12147-906522

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 CFR 1.55)

Ser. No. 09/582,701

INTERNATIONAL APPLICATION NO.

PCT/FR99/02630

INTERNATIONAL FILING DATE

28/10/1999

PRIORITY DATE CLAIMED

30/10/1998

TITLE OF INVENTION DERIVING AN OBJECT CLASS BY INHERITANCE, INSTANTIATION OR CLONING

APPLICANT(S) FOR DO/EO/US

Armond NACHEF &amp; Gerard SITBON

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39.
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(3)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

PLEASE NOTE: THIS IS A DUPLICATE COPY  
OF THE DECLARATION FILED WITH APPLICATION  
ON 6/30/2000

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☒ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.

16. ☒ Other items or information:

Verification of Translation

Copy of Notification of Missing Requirements under 35 USC 371 in US/DO/EO

Proposed Drawing Corrections

Copy of PTO Receipt Card dated June 30, 2000, proving that the Declaration was  
timely filed with the application and NO SURCHARGE FOR LATE FILING OF THE  
DECLARATION IS THEREFORE DUE. THE FILING FEE OF \$1010 INCLUDED:

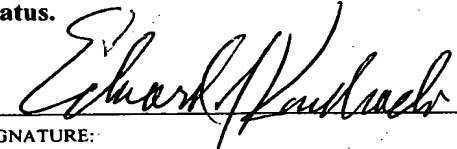
basic national fee of \$840.00, the PROCESSING fee of \$130 for furnishing  
the English translation later than 20 months from earliest claimed  
priority date, and Assignment Fee.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>09/582,701</b>		INTERNATIONAL APPLICATION NO. <b>PCT/FR99/02630</b>		ATTORNEY'S DOCKET NUMBER <b>T2147-906522</b>	
<b>17. <input checked="" type="checkbox"/> The following fees are submitted:</b> <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$970.00</b> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$840.00</b> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$690.00</b> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$670.00</b> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$96.00</b> <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS</b> PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				NOT DUE BECAUSE DECLARATION WAS TIMELY FILED WITH APPLICATION on 6/30/00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	27 - 20 =	7	X \$18.00	\$126.00	
Independent claims	2 - 3 =	0	X \$78.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$126.00	
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				\$126.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$130 was included at the time of filing on 6/30/00
<b>TOTAL NATIONAL FEE =</b>				\$	NOT DUE
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$126.00	
08/31/2000 AGIZAW 00000145 09582701				Amount to be refunded:	\$
				charged:	\$

- 91 FC-966    126.00 OP
- a. ☒ A check in the amount of \$ 126.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 501165. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:  
 Edward J. Kondracki  
 MILES & STOCKBRIDGE P.C.  
 1751 Pinnacle Drive, Suite 500  
 McLean, VA 22102-3833

  
 SIGNATURE:  
Edward J. Kondracki  
 NAME  
20,604  
 REGISTRATION NUMBER  
 August 28, 2000

09/582701

09/582,701



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

A

12147-906522

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	PCT APPLICATION NO.
	EDWARD J. KONDRACKI	10/28/99

EDWARD J. KONDRACKI  
MILES & STOCKBRIDGE  
1751 PINNACLE DRIVE  
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MC LAEN VA 22102-3833

AUG - 1999

MILES & STOCKBRIDGE  
TRADEMARK CORP.

INTERNATIONAL APPLICATION NO.	10/28/99	10/30/98
I.A. FILING DATE	PRIORITY DATE	

DATE MAILED: 28 JUL 2000

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494),  
☐ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language.  
☐ English.  
☒ Translation of the international application into English.  
☒ Oath or Declaration of inventors(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☐ The International Preliminary Examination Report in English and its Annexes, if any.  
☒ Translation of Annexes to the International Preliminary Examination Report into English.  
☒ Preliminary amendment(s) filed 30 JUN 2000 and  
☒ Information Disclosure Statement(s) filed 30 JUN 2000 and  
☒ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed  
☒ Verified Statement Claiming Small Entity Status.  
☒ Priority Document.  
☐ Copy of the International Search Report ☒ and copies of the references cited therein.  
☐ Other:

**DOCKETED**  
 BY *for* ON 8/15/00  
 BY *for* ON 8-16-00  
 DUE DATE *for* 28 JUL 2000  
 CALL UP *for*

200-676-BA

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. *Declaration submitted at time of filing 6/30/00*  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). *not necessary - Declaration timely filed*  
 3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

- Enclosed:  
☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875  
 FORM PCT/DO/EO/905 (December 1997)

*Paullette Kidwell Paralegal*  
 Telephone: 703-305-3656